

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Petition for Declaratory Ruling that	)	
Sprint Nextel Corporation, Its Affiliates	)	
And Other Requesting Carriers May Not	)	
Impose A Bill-and-Keep Arrangement Or	)	
A Facility Pricing Arrangement Under The	)	WC Docket No. 08-23
Commitments Approved By The	)	
Commission in Approving the AT&T	)	
BellSouth Merger	)	

**REPLY COMMENTS OF ALLTEL COMMUNICATIONS, LLC**

Alltel Communications, LLC ("Alltel") hereby submits its reply comments in opposition to the Petition of the AT&T ILECs for a Declaratory Ruling filed February 5, 2008.

Alltel concurs with the interpretation of the AT&T Merger Commitment 7.1, as advocated within this proceeding by Sprint Nextel Corporation, Intrado Communications, Inc., Comcast Corporation, MetroPCS Communications, Inc., Cox Communications, Inc. and Charter Communications. Like the parties in opposition, Alltel too has sought to port its currently effective 9-state interconnection agreement with the legacy BellSouth ILECs to the remaining 13 states within AT&T's 22-state region. AT&T has not processed Alltel's request. Alltel is concerned that the pending status of its porting request not be

turned into an opportunity for AT&T to delay and ultimately avoid its porting obligations as clearly delineated in 7.1 of its Merger Commitments under the *AT&T/Bell South Merger Order*.<sup>1</sup>

Merger Commitment 7.1 requires AT&T to make available to any requesting telecommunications carrier the entirety of any effective negotiated or arbitrated interconnection agreement that was entered into in any state within AT&T's 22-state region subject to specified limitations, including state-specific pricing.<sup>2</sup> Despite this clear Commitment, AT&T has consistently ignored repeated attempts from CMRS carriers to extend the terms of its effective interconnection agreements throughout AT&T's 22-state region.

Initially, Alltel simply sought to extend the terms of the 9-state BellSouth agreements to thirteen other states (AT&T's legacy Ameritech, Pacific Bell, Southwestern Bell, and SNET operating areas). Alltel submitted required "port" forms to AT&T in August 2007 and subsequently received acknowledgement of those submissions. However, AT&T has, as yet, failed to grant such requests. No explanation for these delays has been given by AT&T.

As effectively demonstrated by Sprint Nextel, Intrado, Cox Communications and MetroPCS, AT&T's refusal to adhere to its Merger Commitments significantly disadvantages competitive carriers like Alltel who appropriately view the AT&T's Merger Commitment as a means to reduce the transaction costs associated with interconnection agreements. Having the opportunity to simply port an already effective

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<sup>1</sup> *AT&T Inc. and Bell South Corp. Application for Transfer of Control*, Memorandum Opinion and Order, 22 FCC Rcd 5662 (2007) (*Merger Order*) Appendix F at p. 149.

<sup>2</sup> *Merger Order*, Appendix F at p. 149.

interconnection agreement between the parties (AT&T & Alltel) significantly reduces the costs involved in negotiating 22 separate interconnection agreements – each of which ultimately benefits individual consumers within each state.

Like the other parties in opposition, Alltel believes AT&T's interpretation of "state specific pricing" is simply wrong and is done in an attempt to thwart, delay or otherwise avoid the voluntary commitments it previously made in order to affect the AT&T/Bell South merger. The "state specific pricing" qualification is only applicable in situations where a single state has issued an order based upon an evidentiary proceeding that has reviewed a carrier's cost support evidence and has in-turn established specific pricing for that carrier's operations in that state.<sup>3</sup> In Alltel's case, it simply seeks to port the terms of the 9-state interconnection already in place with AT&T. There is nothing state-specific about the current 9-state agreement between the parties that would in any way trigger the Merger Commitment's state specific qualification. Furthermore, in entering into and recently extending the parties' agreement throughout the 9-state region there was no discussion or analysis of the balance of traffic that would somehow justify AT&T's resistance to porting the agreement throughout its 22-state region. Accordingly, any reliance by AT&T on the "state-specific" pricing qualification must be rejected.

As advocated by the parties in opposition, the Commission should deny AT&T's Petition and clarify Merger Commitment 7.1 to allow competitors like Alltel to port existing interconnection agreements with AT&T throughout AT&T's 22-state region.


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<sup>3</sup> See *Merger Order*, ¶ 31.

Dated: March 3, 2008

Respectfully submitted,

Alltel Communications, LLC

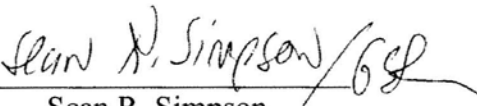
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